

REMARKS/ARGUMENTS

Claims 1-7, 9-15, and 20-24 are currently pending in the present application. Claim 8 was previously canceled, and claims 16-19 are now cancelled.

Claims 16-19 were canceled, without prejudice or disclaimer, to remove the non-statutory subject matter and not limit the scope of the pending claims.

No new matter has been added. Reconsideration of the application is kindly requested in view of the remarks below.

Rejection under 35 U.S.C. § 112, 2nd paragraph

The rejection of claims 16-20 under 35 U.S.C. § 112, second paragraph is rendered moot in view of the amendment indicating the cancellation of the claims. Accordingly, withdrawal of the rejection is requested.

Rejection under 35 U.S.C. § 101

The rejection of claims 16-20 under 35 U.S.C. § 101 is rendered moot in view of the amendment indicating the cancellation of the claims. Accordingly, withdrawal of the rejection is requested.

Claim Rejections - 35 U.S.C. § 102

The rejection of claims 1-3, 5-7, 9-10, and 16-24 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,854,871 to Nicolas-Morgantini et al. is respectfully traversed.

The reference does not describe or suggest the claimed aqueous dispersion comprising:

at least one ethylene copolymer wax comprising from 60 to 99.5% by weight of ethylene and from 0.5 to 40% by weight of at least one ethylenically unsaturated carboxylic acid in copolymerized form and also at least one hydrophobic low molecular weight organic substance.

Present claim 1. (Emphasis added).

To the contrary, Nicolas-Morgantini et al. generally describes a pigment composite containing melanin, in which the composite may contain several other components such as waxes. See column 2, lines 4 to 10. Regarding the general disclosure of the waxes, the reference recites a melting point range. However, the reference specifically indicates that the preferred

waxes are natural waxes, as listed in column 2, lines 21 to 23, which do not include the ethylene copolymer wax of the present claims.

Regarding several other components and waxes, the reference lists additional suitable ingredients at column 2, lines 24 to 37 and 53 to 61, with the recitation of a “polyethylene wax” at column 2, line 37. However, these additional suitable ingredients do not include the claimed ethylene copolymer wax. In addition, regarding the polyethylene wax, there is no indication or suggestion of a specific *copolymerized form*, as recited in the present claims. As such, in view of the pigment composite disclosure, the polyethylene wax appears only to refer to waxy polyethylene homopolymers, and not any specified ethylene copolymers. Further, there is no indication or apparent reason that one would modify the reference to include the claimed ethylene copolymer wax.

Therefore, the claimed aqueous dispersion of present claim1 and the claims dependent thereon are not anticipated by or obvious in view of Nicolas-Morgantini et al. Accordingly, withdrawal of the rejection is requested.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00109-US from which the undersigned is authorized to draw.

Dated: July 3, 2008

Respectfully submitted,

Electronic signature: /Bryant L. Young/
Bryant L. Young
Registration No.: 49,073
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant